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ALEXANDER L. STEVAS,
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NO. 84-896

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1984.

In re HENRY ANDERSON,

Petitioner,

EDWIN J. PETERSON, Chief Justice
Supreme Court of the State of Oregon

Respondent.

On Petition for a Writ of Mandamus to the Supreme Court of the State of Oregon

# MOTION TO DISMISS NON-PARTIES INTRUSION

Henry Anderson
676 Covey Road
Valley Springs
Ca. 95252
Petitioner

## QUESTIONS PRESENTED

Did respondent Edwin J. Peterson request the four non-party persons to intrude in this civil case & repudiate his explicit legal words of non-appearance stated by respondent Peterson in his October 5, 1984 letter to the clerk of this Supreme Court?

Can those four non-party persons arbitrarily intrude in this civil case & imply that respondent Peterson has authorized their illegal presence and actions?

Does respondent Peterson have legal authority to let inferior state employees use his judicial powers for their private ends?

How can petitioner make a reply brief to a paper that has no legal standing & which paper is in direct violation of the United States laws on Civil Rights & redressing of deprivation of Equal Protection of the Laws?

Has this Supreme Court asked those 4 non-party persons to intrude in this civil case?

Has this Supreme Court given the 4 non-party persons permission to intrude in this civil case for petition for Writ of Mandamus?

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## POINTS AND AUTHORITIES

Respondent Peterson had to take an oath of office before assuming his duties, which required respondent to swear to obey the U.S. Constitution & the Oregon State Constitution. Therefore in obeying his oath of office, respondent could not legally or ethically argue against those Constitutions. That is why respondent sent his letter of non-appearance, dated October 5, 1984, to the court clerk; petitioner's exhibit 3, appendix page A-I, herein.

Respondent Peterson has no authority to allow other persons to assume his judicial duties; to contradict & set aside his official judicial statements as stated in his letter to the Clerk of this Supreme Court.

Nor can respondent allow other non-party persons to intrude in this civil case under guise or color of his sponsorship.

This Supreme Court has consistently ruled an "amicus" is not considered to be a party to a case. "One who is not a party to a record & judgement below is not entitled to

appeal therefrom." In re Leaf Tobacco Board 222 U.S. 578, 581. See also United Auto Workers V Scofield 382 U.S. 205, 209. Ex parte Cutting 94 U.S. 14, 20-22.

None of the 4 intruders is a party to the civil case, none of the 4 intruders has an interest in this civil case, none of the 4 intruders has ever appeared in this civil case before.

None of those 4 non-party intruders has requested permission from this Supreme Court to intrude in this civil case, petitioner's petition for Writ of Mandamus.

None of those 4 intruders has received permission from this Supreme Court to intrude in this civil case.

None of the 4 persons has given evidence that respondent Peterson authorized them to illegally intrude in this civil case.

The State of Oregon cannot allow its employees to breach the State Constitution, and discriminate against petitioner in this civil case, with the 4 intruders ignoring the first part of Article I, Section I, of

the Oregon State Constitution, quote, "We declare that all men, when they form a social compact are equal in right; that all power is inherent in the people,. . ."and Article I, Section IO, Administration of justice. "No court shall be secret, but justice shall be administered, openly & without purchase, completely & without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation."

One of the remedies by due course of law being used in this civil case is the remedy given in Oregon Revised Statute I2.070, Action on judgement, decree or sealed instrument. "(I) An action upon a judgement or decree of any court of the United States, or of any state or territory within the United States; shall be commenced within IO years."

The 4 intruders are all state employees and as such they have the duty to remain outside civil cases, be neutral, since their status as state employees injects the issue of discrimination, deprivation of petitioner's

civil rights under "color of law", the 4 intruders have a class based invidious animus towards the pro se petitioner & will stop at nothing to injure petitioner in his person & property for lawfully attempting to enforce his U.S. Constitutional Rights to Equal Protection of the Laws.

Each of those 4 intruders has the duty to obey the rulings of this Supreme Court, yet they contemptuously ignore those rulings & cite cases 155 years old & 69 years old as case law; knowing that the cases have been overruled by this Court and are void.

This Court in Beacon-Theatres, Inc. V Westover 359 U.S. 500, 511 said, "The right to grant mandamus to require jury trial where it has been improperly denied is settled." In this case petitioner was denied his rights to jury trial.

The Supreme Court can issue a writ of mandamus not only to a lower federal court but to a highest court of a state that has disobeyed or failed to give effect to a prior judgement or mandate of the Court. Deen V

Hickman 358 U.S. 57. Bucolo V Adkins 424 U.S. 641.

U.S. Constitution Article VI, This Constitution, and the laws of the United States which shall be made in pursuance thereof; . . ., shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any state to the contrary not withstanding.

The VII Amendment, Right to Trial by jury is one of the most important rights.

The XIV Amendment in part says, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Oregon State Constitution, Article I, Section I7. Jury Trial in Civil Cases. "In all civil cases the right of Trial by Jury shall remain inviolate."

NO WHERE in the U.S. Constitution is the right to a trial by a judge set forth.

NO WHERE in the Oregon State Constitution is the right to a trial by a judge set forth.

Therefore the choice of right is limited & since petitioner has demanded his Constitutional Rights to Trial by Jury, from the first day of this civil case, it is obvious that petitioner has been deprived of his rights to Equal Protection of the Laws.

No where in the U.S. Constitution is there any command that petitioner must invoke the laws of Oregon to secure his Constitutional Rights to Trial by Jury and Equal protection of the Laws.

The 4 intruders have wrongfully in bad faith breached their sworn oaths & in direct violation of 42 USC 1985, conspired for the purpose of impeding, hindering & obstructing the due course of justice in this Court by arbitrarily intruding in this civil case, without permission & citing void cases as current case law, also by using indeterminate terms that have no definite

standards of meaning or application set out.

Petitioner in this civil case, can find no Court Rules that require petitioner to write any reply brief to unauthorized intrusions by non-party persons in this civil case.

It is customary in lower court cases where unauthorized papers have been presented, for the opposing party to make a motion to strike or dismiss the unauthorized materials.

Therefore petitioner presents the following motion to dismiss the intruder's paper.

WHEREFORE: petitioner herein moves this Court to dismiss the paper of the 4 non-party intruders as being without standing, since the intruders have no legal status in this proceeding for petition for Writ of Mandamus,

Also:

To grant petitioner his costs of preparing and filing this Motion to Dismiss & such other relief as is just & proper in this civil case.

Dated January 29, 1985.

By: Henry Anderson
Henry Anderson
Petitioner/Pro se.

HE SUPREME COURT
Edwin J. Peterson
Chief Justice

APPENDIX A-I.

Salem, Oregon 97310
Telephone 378-6026

October 5, 1984

BEST AVAILABLE COPY

Michael Rodak, Jr.
Clerk
Supreme Court of the United States
1 Fir Street N.E.
Washington, D.C. 20543

Re: Henry Anderson, Petitioner
v. Edwin J. Peterson, Judge,
Respondent. Oregon State
Supreme Court

In accordance with Supreme Court Rule 27.2(b) and Rule 21(b) of the Federal Rules of Appellate Procedure, I will make no appearance in response to the petition unless requested to do so by the court.

Sincerely,

Edwin J. Peterson
Chief Justice

EJP:fw
cc: Henry Anderson ✓
676 Covey Road
Valley Springs, California 95252

"EXHIBIT 3."

"EXHIBIT 3"

CERTIFICATE OF SERVICE

I, Henry Anderson, petitioner in this matter certify that on January 31, 1985 I served 3 exact copies of the foregoing Motion to Dismiss Non-Parties Intrusion, on respondent EDWIN J. PETERSON, by mailing them by registered mail return receipt requested, with postage fully prepaid to respondent;

EDWIN J. PETERSON
SUPREME COURT BUILDING
SALEM, OREGON, 97310.

By: Henry Anderson
Henry Anderson
Petitioner
Pro Se.